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ORIGINAL

August 15, 1997

EX PARTE OR LATE FILED

EX PARTE

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: Telecommunications Carriers' Use of Customer Proprietary
Network Information and Other Customer Information, CC
Docket No. 96-115

Dear Mr. Caton:

Enclosed are MCI Telecommunications Corporation's (MCI's) written responses to various questions posed by Commission staff in the course of meetings and telephone conferences in the above-captioned proceeding held on June 6, July 2 and July 22, 1997, including further details on the issue discussed in MCI's ex parte letter filed in this docket on July 22, 1997.

An original and one copy of this letter and attachment are being submitted for inclusion in the public record in CC Docket No. 96-115.

Yours truly,

Frank W. Krogh
Frank W. Krogh

cc: Raelynn Tibayan Remy
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RESPONSE TO COMMISSION STAFF QUESTIONS RE: CC DOCKET NO. 96-115

1. How does Section 222(c)(1)(B) relate to Section 222(d)(1)? Are inside wiring, the provision of CPE, enhanced services and installation, maintenance and repair services covered by either or both of those provisions?

Section 222(c)(1) states:

Except as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains [CPNI] by virtue of its provision of a telecommunications service shall only use, disclose, or permit access to individually identifiable [CPNI] in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories.

"[S]uch telecommunications service" in subpart (B) can only refer to "the telecommunications service from which [the CPNI] is derived" in subpart (A). Thus, the only services that qualify under subpart (B) are those that are "necessary to, or used in, the provision of" the same telecommunications service category from which the CPNI is derived.

It is also necessary to delineate exactly what "services" are "necessary to, or used in, the provision of" the telecommunications service category from which the CPNI is derived. They obviously must be "services," which leaves out CPE, but they need not be "telecommunications" services, so installation, maintenance and repair of the telecommunications service from which the CPNI is derived are included. As MCI

explained in its Reply Comments in this docket, enhanced (or information), services are not "necessary to, or used in, the provision of" any telecommunications service, although the converse is true. Basic telecommunications services are "used in the provision of" enhanced services, not the other way around. Thus, enhanced or information services are not covered by subpart (B).¹

The status of inside wiring is less clear. The provision of inside wiring would appear to be somewhat related to the installation of a telecommunications service. Thus, at least to the extent that the provision of inside wiring relates to the installation and provision of the telecommunications service category from which CPNI is derived, such provision might be covered by subpart (B).

Accordingly, customer approval would be necessary before CPNI derived from the provision of a telecommunications service could be used for the marketing or provision of CPE or enhanced or information services, since CPE and enhanced services do not fall within subparts (A) or (B) of Section 222(c)(1). No approval should be necessary for the use of CPNI for the marketing or provision of installation, maintenance and repair services, and customer approval might not be necessary for the use of CPNI for the marketing or provision of inside wiring

¹ See Reply Comments of MCI Telecommunications Corporation at 5 (filed June 26, 1996). See also, Reply Comments of the Information Technology Association of America at 5-6 (filed June 26, 1996).

related to the telecommunications service category from which the CPNI is derived.

Section 222(d) sets forth exceptions to the restrictions in Section 222(c)(1). The exception in Section 222(d)(1) states:

Nothing in this section prohibits a telecommunications carrier from using, disclosing, or permitting access to [CPNI] obtained from its customers, either directly or indirectly through its agents-

(1) to initiate, render, bill, and collect for telecommunications services;....

There are several important differences between Sections 222(c)(1)(B) and 222(d)(1). The latter encompasses all "telecommunications services," not just the service category from which the CPNI is derived.² Moreover, "disclosing, or permitting access to [CPNI]" is something that can be done as to a third party as well as internally. Thus, as US West and other parties concede, a local exchange carrier (LEC) may disclose local service CPNI to an interexchange carrier (IXC) in order to enable the IXC to initiate, render, bill and collect for interLATA services.³

The specificity of subsection (d)(1), however, makes it clear that a carrier may not use or disclose CPNI pursuant to

² MCI initially interpreted this aspect of Section 222(d)(1) incorrectly but later reconsidered its original reading. See Further Comments of MCI Telecommunications Corporation at 11-12 n. 20 (filed March 17, 1997).

³ Ex parte letter from Kathryn Marie Krause, US West, Inc., to William A. Kehoe, III, and Karen Brinkmann, FCC, dated Dec. 2, 1996, at 2 n.2; ex parte letter from Charles E. Griffin, AT&T, to William F. Caton, FCC, dated Oct. 8, 1996, Attachment at 2-3.

that subsection for the purpose of marketing a service category other than the category from which the CPNI is derived.

Logically, a carrier could "initiate, render, bill and collect" only for a service to a user that is already its customer for that service. Thus, Section 222(d)(1) does not authorize any marketing not otherwise allowed under Section 222(c)(1).

There is some overlap between Sections 222(c)(1)(B) and 222(d)(1). Installation, maintenance and repair would seem to be encompassed within the terms "initiate" and "render." Although inside wiring is not quite as clear, it would also seem reasonable to include the provision of inside wiring within the initiation or rendering of the service for which the wiring is to be used. Thus, CPNI may be used by a carrier or disclosed to another entity for the provision -- but not the marketing -- of installation, maintenance and repair services and inside wiring in connection with any telecommunications service. The provision of CPE or enhanced services, however, is not encompassed within the initiation or rendering of telecommunications services.

2. Is BNA (billing name and address) information included within the definition of CPNI under Section 222(f)(1)(B)? Are customer lists and "universe lists" CPNI?

No; a customer's billing name, address and telephone number, in whatever format they appear, do not fall within either part of the definition of CPNI in Section 222(f)(1).

They clearly are not covered by subpart (A):

(1) CUSTOMER PROPRIETARY NETWORK INFORMATION.
- The term 'customer proprietary network information' means-

(A) information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of a ... carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and

Billing name, address and number do not "relate to the quantity, ... configuration, type, destination, and amount of use of" a service. Such data in universe lists and other customer lists similarly do not come within Section 222(f)(1)(A). Other data in such lists may come within that provision, however, such as specific data relating to the service itself (e.g., whether the customer is a business, residential, payphone or other type of account or whether the customer has chosen to block toll calls). The decision as to whether any particular type of data element on such lists constitutes CPNI must be made on an individual basis by comparing it with the categories listed in Section 222(f)(1)(A).

Section 222(f)(1)(B) adds, to the categories of information that constitutes CPNI, "information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier...." In the context of Section 222, it would appear that this subpart includes only that information that "pertain[s] to telephone ... service." One case has suggested that this subpart "in its ordinary meaning must be simply the facts, the data, the raw knowledge regarding

customer usage, times, etc."⁴

Such a reading would make subpart (B) more consistent with subpart (A) than would alternative interpretations. For example, if any information appearing on bills -- including the customer's name and address -- were included within subpart (B), little purpose would be served by limiting CPNI to the narrow categories outlined in subpart (A). Moreover, the phrase "pertaining to" would not serve much purpose if anything that appeared on a bill were CPNI. Instead, Section 222(f)(1)(B) would simply say "information contained in the bills for telephone exchange service or telephone toll service received by a customer of a carrier...."⁵ The "pertaining to" language thus would seem to be a limitation on the category of information on telephone bills that actually constitutes CPNI.

Although such a reading of Section 222(f)(1)(B) makes it

⁴ AT&T Communications of the Southwest, Inc. v. Southwestern Bell Tel. Co., No. A 96-CA-397 SS (W.D. Tex. Oct. 4, 1996) at 7. The court denied AT&T's motion for preliminary injunction against Southwestern Bell's (SWB's) misappropriation for its own use of AT&T's billing database supplied to SWB in order for SWB to bill and collect for AT&T. Although MCI believes that the court erred in denying injunctive relief, such denial does not rely on the court's reading that "information contained in the bills pertaining to telephone exchange service or telephone toll service" is information "regarding customer usage, times, etc."

⁵ A less likely interpretation of the "pertaining to" language is that it was intended only to carve out from the definition of CPNI promotional material included with the bill. If that had been the intent, however, Congress could have accomplished that goal more clearly by simply adding "other than promotional material." The "pertaining to" language would have been a much less direct, more ambiguous way to exclude promotional material and thus must have some other purpose.

more consistent with Section 222(f)(1)(A), subpart (B) is hardly superfluous. To the extent that certain data might fall into both categories, such as the called party numbers appearing on the bill -- which might also be said to identify the "destination" of the subscriber's service -- subpart (B) adds concreteness to the categories in subpart (A). Moreover, there is information "pertaining to" the customer's telephone service on the bills that does not fall within subpart (A), such as the times and dates of the long distance calls.

Another aspect of subpart (B) that complements subpart (A) is that it also captures information appearing on bills pertaining to non-subscribed, or "casual," calls, which subpart (A) does not seem to cover. Subpart (A) is limited to certain information as to "a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship." (Emphasis added). "Casual" traffic, such as long distance calls billed to a carrier other than the customer's presubscribed carrier, would not seem to fall within the category of services "subscribed to by" a customer. Moreover, such calls usually appear on a separate page of the customer's local service bill, even though the local carrier did not provide the service being billed. Thus, the local carrier in this situation did not acquire the information as to the billed long distance service "by virtue of the carrier-customer relationship," but only as the billing and collection agent for

the relevant long distance carrier. Information about a customer's casual calling thus would not be covered by subpart (A).

Subpart (B), however, covers information "contained in the bills pertaining to telephone ... service received by a customer of a carrier." Thus, in one respect, subpart (B) is broader than subpart (A), since it covers any service "received by a customer," not just subscribed services. Since casual calls will appear on a telephone bill, and typically on a local service bill, subpart (B) will capture information about casual calling that would not otherwise be covered by subpart (A).

Accordingly, the phrase "pertaining to" should be read to limit Section 222(f)(1)(B) to information on a customer's telephone bill that relates to his or her telephone usage, including the use of non-subscribed services. The customer's name, address and telephone number thus are not CPNI, whether they appear on telephone bills, BNA lists, customer universe lists or other similar databases.

3. How could CPNI database restrictions be made workable?

As MCI indicated in its recent ex parte letter in this docket,⁶ a combination of the strict CPNI database access restrictions that were imposed on the Bell Operating Companies'

⁶ Letter from Frank W. Krogh, MCI, to William F. Caton, Acting Secretary, FCC, dated July 22, 1997.

(BOCs') provision of enhanced services under the Computer III regime and less stringent CPNI use restrictions should be employed to protect CPNI. For purposes of this discussion, it is necessary to draw distinctions among different types of customer service and marketing functions. Under MCI's approach, carrier marketing representatives assigned to a particular service category would be denied access to CPNI derived from the provision of another category of service, while "multi-purpose" customer service representatives responding to calls from customers would have access to all CPNI but be prohibited from using CPNI to market service categories other than the category from which the CPNI was derived, in the absence of customer approval.⁷

The reason for the different treatment is that sales personnel marketing a single service category would have no legitimate reason, absent customer approval, to have access to CPNI derived from another service category, whereas all-purpose customer service representatives responding to service calls would be too hamstrung by a denial of access to CPNI, since they would have to be able to respond to any service requests. In those situations where a single function sales representative secures the approval of a customer to use his or her CPNI, that

⁷ Although this discussion assumes an interpretation of Section 222(c) that is similar to that proposed in the NPRM or the approach advocated in MCI's comments -- involving some variation on the "two-bucket" approach -- the database protection methods suggested here ought to be applicable to other approaches as well.

call could then be passed off to another representative who has access to the customer's CPNI.

In most cases, multi-purpose customer service representatives' use of CPNI in responding to inbound calls would be allowed by the exceptions in Sections 222(c)(1)(B), 222(d)(1) or 222(d)(3). In those few instances in which an inbound service call also leads to marketing, but the customer does not give approval under Section 222(d)(3), the representative should be able to market any service but should be instructed not to use the CPNI to which he has access for marketing services in a category other than the category from which the CPNI was derived.

A more difficult problem is presented in the case of sales representatives calling customers to market packages of services in different categories -- e.g., packages including local and long distance services. In that outbound calling situation, any use of CPNI would necessarily involve the marketing of services other than the category from which the CPNI was derived, which violates Section 222(c)(1), absent customer approval. This situation presents a particularly significant threat to competition and privacy in the case of the BOCs, which already have almost 100% of the local service CPNI for subscribers within their service regions. A BOC sales representative marketing packages of local and long distance services will inevitably have a wealth of local service CPNI that would be useful in marketing the long distance portion of the package. Because of this blanket local service CPNI coverage, for which there is no

justifiable use with respect to long distance service marketing, absent customer approval, BOC sales representatives marketing packages of local and long distance services should not have access to any CPNI. Use restrictions would not be an adequate safeguard in that situation.

For other carriers, use restrictions would be an adequate check on sales representatives marketing packages of services from different categories, for two reasons. First, other carriers' CPNI databases have many more gaps than the BOCs' local service CPNI databases, and IXC's other than AT&T have spottier long distance CPNI databases than AT&T, thus affording most IXC's much less opportunity to misuse CPNI.

Second, in many instances, those IXC sales representatives who sell packages of services from different categories will also be handling other types of offers, including the marketing of services in a single category. Smaller IXC's are especially likely, on account of their limited resources, to have their marketing personnel handle a diverse portfolio. When those sales representatives are marketing services in a single category, there is no reason not to allow them access to CPNI in that category. Thus, they should not be subject to permanent access restrictions, since that would prevent them from using CPNI legitimately in a variety of situations. In those instances when they are marketing services from different categories, restrictions prohibiting any use of CPNI should be sufficient. Thus, in the case of IXC sales representatives involved in the

marketing of packages of services from different categories, the burden of permanent CPNI access restrictions would not be justified, given the protection that use restrictions can provide in such situations.

In order to facilitate the implementation of these use and access restrictions, all CPNI in customer databases could be "flagged" to indicate the source of the CPNI, with different passcodes for each category of CPNI. Inexpensive software modifications can be used to tag and restrict data and route calls to representatives with access to CPNI in appropriate situations. Implemented in this fashion, these restrictions would not be unreasonably burdensome, while effectively carrying out the privacy and competitive goals of Section 222.

Carriers' compliance with these restrictions should be enforced using the various means at the Commission's disposal. Carriers should file written statements explaining how they intend to implement both the CPNI access restrictions and the CPNI use restrictions, including a detailed identification of the categories of personnel subject to each type of restriction and a detailed description of the instructions given to those personnel showing how they intend to implement the restrictions. The compliance certificates should also contain reports of any complaints from customers or others about alleged violations of the restrictions. Carriers' compliance should also be audited periodically by the Commission.

Finally, it is especially crucial that the Commission make

clear that carriers may not use CPNI in determining the list of prospects that is provided to sales representatives for outbound telemarketing of services in another category, absent customer approval. Using CPNI to make up a list to be given to a telemarketer is as much a "use" of CPNI as allowing the telemarketer to review CPNI while speaking with prospects.

4. Once a customer is taking more than one category of service from a given carrier, may the carrier use CPNI derived from either service category for marketing or other purposes related to any other service in either category, without customer approval? In other words, in that situation, should the restrictions in Section 222(c)(1) fall away as to that carrier's use of both categories of that customer's CPNI?

Yes; given the purposes of Section 222, it would be reasonable for the Commission to allow the restrictions in Section 222(c)(1) to fall away in that situation. This is best understood if one assumes some variation on a "two-bucket" approach, with all local services in one category and all interLATA services in the other.⁸ As indicated in the Notice of Proposed Rulemaking initiating this proceeding (NPRM), the legislative history of Section 222 shows that its purpose was to

⁸ Although MCI is assuming that the Commission will adopt some variation on the "two-bucket" approach in answering this question, the same analysis would also apply to any other approach.

give customers greater control over their CPNI in the face of marketing efforts by carriers moving into new markets -- in particular, BOCs moving into the interLATA market and IXC's moving into local services -- as a result of the 1996 Act. Privacy and competitive concerns coincide in precluding those carriers already possessing CPNI from using it to facilitate entry into such new markets without customer approval.⁹

Once a carrier has successfully entered the new market vis-a-vis a particular customer, however, the CPNI restrictions in Section 222 have served their purpose. Such a carrier has successfully marketed its new service category to the customer, either by gaining the customer's approval for use of his CPNI derived from another service category or without using such CPNI at all. Thus, no competitive interest would be served by restricting the use of any of the customer's CPNI in marketing additional services in either category to the customer.

There would also not be a significant privacy interest to be served by restricting a carrier's use of CPNI in marketing any additional services in either category, once the carrier was providing both categories of services to the customer. If Section 222(c)(1) may be interpreted, consistent with the privacy interests protected thereby, to allow a carrier to use CPNI derived from the provision of a given service to market any other service in the same category without customer approval, as MCI

⁹ See Joint Statement of Managers, S. Conf. Rep. No. 104-230, 104th Cong., 2d Sess. 203, 205 (1996) (Joint Explanatory Statement), cited in NPRM at ¶ 24 n. 60.

has advocated, those interests would not be undermined by allowing the unrestricted use of CPNI, once a carrier was providing both categories of service to the customer, for the marketing of any new service in either category.

The same analysis would be applicable to other categories, such as non-telecommunications services. For example, once a carrier is providing both local and information services to a given customer, it would be reasonable to allow any CPNI derived from either category to be used to market any other service in either category without the customer's approval.¹⁰

It should be noted that this analysis does not apply to the written authorization provision in Section 222(c)(2). There would be no justification, on competition or privacy grounds, for dispensing with the requirement that a carrier must provide CPNI to a third party upon written authorization of the customer. Where the customer makes such a request, he or she is announcing that the competition for his or her telecommunications business is still potentially viable, and such a request should always be honored. Thus, if a carrier is providing both local and long distance services to a customer, it need not adhere to the restrictions in Section 222(c)(1) as to that customer's CPNI, but it must still provide such CPNI to third parties under Section

¹⁰ Technically, of course, data about the customer's usage of information services is not CPNI, since the definition of CPNI only covers the use of a "telecommunications service" (see Section 222(f)(1)(A)). Thus, there are never any restrictions on the use of data derived from the customer's use of information services (other than alarm monitoring services, see Section 275(d)), in marketing any other services.

222(c)(2).

For ease of administration in applying the rule as to when the CPNI restrictions should fall away, it would be reasonable to use a customer's presubscription choices to determine which carrier should be considered to be providing each service category to the customer. Under this approach, for example, an IXC's carriage of casual traffic for a customer would not make that IXC the customer's interLATA service provider for purposes of deciding whether the restrictions should fall away as to that IXC's use of that customer's CPNI. Thus, if that IXC were also the customer's presubscribed local carrier, it would continue to be restricted in using that customer's CPNI. The restrictions on that IXC's use of that customer's CPNI would only disappear if the IXC were the customer's presubscribed carrier for both local and long distance services.¹¹

Another administrative problem would arise where a customer, once having chosen a given carrier for both categories of services, then selects another carrier for one of the categories. At that point, it would seem reasonable for the CPNI restrictions to reapply to that customer vis-a-vis both carriers. The competition for that customer is clearly still active, and, to the extent that the customer does not prefer a carrier for a

¹¹ Similar problems arise for large customers presubscribed to more than one IXC for different lines. As a practical matter, carriers should have no trouble obtaining such customers' approval to use CPNI. In those rare instances where such approval is not forthcoming, the rule proposed here should be applied on a line-by-line basis.

category of services, the customer's privacy interests would be served by restricting that carrier's use of CPNI in marketing the category of service it no longer provides to that customer. Given the availability of software to safeguard CPNI data (see issue 3, supra), it should not be too burdensome for a carrier to reapply the CPNI restrictions for a customer as to whom they had been previously lifted.

5. Should a customer's approval under Section 222(c)(1) be renewed periodically in order to remain valid?

Assuming that the Commission requires that customer approval under Section 222(c)(1) be an explicit, knowing, oral approval, as MCI as advocated, MCI does not see any statutory need for or regulatory benefit to be derived from a requirement that such approval be periodically renewed to remain valid. As long as customers are notified at the outset that they may withdraw such approval in a specified manner, allowing them to do so should provide more than adequate assurance that their privacy interests are protected.

* * * * *

MCI also wishes to take this opportunity to correct the record in one respect. MCI asserted in its Further Comments that a subscriber's "PIC" choice -- which carrier the subscriber has

chosen for presubscribed service -- is CPNI, since it could be said to indicate the "type ... of a telecommunications service subscribed to by any customer."¹² Upon further consideration, however, MCI has concluded that such information would be more accurately viewed as carrier proprietary information. It is information that a LEC acquires by virtue of its provision of access service to the customer's presubscribed IXC. The subscriber notifies the LEC of his or her choice, but only because the LEC must interconnect the chosen IXC appropriately. Thus, the LEC only learns of the subscriber's choice on account of its role as the necessary interconnecting carrier between the subscriber and the IXC. That choice, and information revealing that choice, accordingly, is more in the nature of proprietary information of the chosen IXC than it is CPNI. Pursuant to Sections 222(a) and (b), LECs therefore should not use such information for their own marketing or other purposes unrelated to the provision of access service.

A similar analysis applies to a subscriber's choice of local service provider. That choice, and information revealing that choice, should be considered the proprietary information of the chosen carrier. Thus, where an incumbent LEC (ILEC) learns of that choice on account of its role as the underlying carrier for a competitive LEC reselling its local service, the ILEC should be precluded from using such information for its own marketing or

¹² MCI Further Comments at 28 (quoting Section 222(f)(1)(A)).

other purposes unrelated to the provision of the underlying facilities.

It is critical that the Commission strictly prohibit the use of other carriers' proprietary information. MCI has experienced abuses by some of the BOCs in this regard, underscoring the immediate need for such restraints. For example, when one such BOC received notice that one of its local customers had decided to switch to MCI's local resale service, it would immediately call the customer to try to undermine MCI's credibility and to persuade the customer to switch back. The BOC had advance notice of the switch, however, only because of its role as the facilities-based local carrier providing the underlying service to MCI. The Commission should make it clear that the BOCs must cease using such proprietary data, obtained in the course of providing service to another carrier, for their own marketing purposes and should promptly take action against any violations.

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August 15, 1997

EX PARTE OR LATE FILED

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Ex Parte Notice
CC Docket No. 94-54

Dear Mr. Caton:

I write to you on behalf of the Alliance of Independent Wireless Operators ("AIW"). Our review of the files in the referenced docket reveals that a number of parties have recently supplemented formal comments and reply comments in the referenced proceeding by submitting letters to the Commission.

AIW is pleased to see that AT&T Wireless Services, Inc. and Western Wireless Corporation, two of the nations largest and most respected wireless carriers have, upon reflection, revised their views regarding the propriety of mandatory automatic roaming. In essence, they have come to appreciate and agree with the comments of AIW to the effect that market forces are not in themselves always sufficient to permit automatic roaming to occur. Implicit in their concern over the absence of automatic roaming is their appreciation that automatic roaming is the only form of effective, efficient wireless roaming.

Notwithstanding AIW's understanding that two of the nation's preeminent carriers have now come to agree with the gravamen of AIW's position (i.e., that there is a need for mandatory automatic roaming), AIW was disheartened to learn of the gravity of the desires of certain incumbent cellular carriers vis-a-vis roaming. Particularly, disappointing was the report that Bell Atlantic-Nynex was willing to consider in-market roaming, but only at rates of \$3.00 per day and \$1.00 per minute.

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AIW continues to believe that this is actually a rather straightforward matter: There can be no genuine dispute but that the only form of genuine roaming is automatic roaming. (It is nonsensical to argue that credit card or manual roaming constitutes bona fide roaming.) This being the case, if there is to be any roaming mandate, it must be one for automatic roaming.

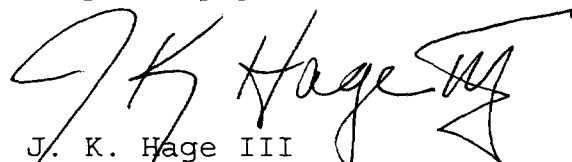
Clarification that an automatic roaming mandate exists does not require that the Commission become involved in pricing controversies. Rather, all that is necessary is for the Commission to mandate efficient inter-system interconnection (and that is what automatic roaming principally is), and make clear that it is the carrier who is providing the roaming service to the public who determines at what charge it will provide service. AIW knows of no other instance in today's climate where any private party other than the carrier determines the charges for services that the carrier provides.

With the advent of PCS operations, there will be sufficient competition so that customers can determine which carrier with whom they desire to roam. If rates by one carrier seem out of line with customers' needs, customers can choose another carrier or choose to postpone their call. The long-term existence of the universally recognized "*611" dial feature on phones makes it virtually certain that no subscriber needs to pay more for services than it desires.

Moreover, as we previously advised the Commission, an automatic roaming mandate under the terms as set forth above will encourage different forms of facilities-based service. To illustrate: One carrier may well desire to provide added features or added coverage, but at added costs. If a customer desires the added coverage or features, it may well accept the additional costs associated therewith. But it will be the customers' choice, and not that of other carriers or the federal government.

In view of all of the above, AIW reiterates its urging that the Commission mandate automatic roaming as set forth herein in order to insure that customers have the choices they deserve.

Very truly yours,



J. K. Hage III
Counsel for the Alliance of
Independent Wireless Operators

cc: All Parties of Record